

of many illnesses. All of these things have been a part of our space flight, of our tradition, and our history.

The 5-year gap Senator NELSON spoke of, where we will have no manned space flight, is something I do not think most Americans understand. As it is right now, because of shorting the space program year after year, what we have is a situation in which there will be a 5-year gap from the last space shuttle flight until the next vehicle is ready for manned flight.

I think, as the American people would know about this, it would raise concerns for them in the area of science and technology, of advancement, of exploration, which has been such a part of our country where we have led the world without a doubt.

But there is something else about it which troubles me greatly and which I think the American people also ought to be made aware of, which is the fact that in order for an American to fly into space for those 5 years, we would be completely and totally at the mercy of Russia. We have had a very good and cooperative relationship. The Americans and Russians and, frankly, many other citizens of other countries, have been a part of the space shuttle and more particularly of the space lab. We have modules there—obviously the space shuttle arm from Canada, modules that have come from Japan and from Italy and many other countries. Each of those countries with great pride has had one of their crew members go on the space shuttle and go to the space lab. Our cooperation with the Russians has been fantastic, even back to the days of the Soviet Union.

But in an ever-changing world, should not we wonder if it is safe for America to totally be reliant upon an increasingly undemocratic Russia for our space flights? I do not necessarily want to create enemies where none exist. But it does concern me to see these Russian bombers coming into areas where they know very well are our waters, our airspace, and repeatedly now over the last month or so coming into what is U.S. airspace and challenging us to intercept them. Why are they doing that? What is the purpose behind that? What could happen over the next 3 years as we conclude the space shuttle, and then the next 5 where we are without the ability to put a man in space, if our relationship with Russia is not as strong as it is today in 8 years, 5 years, 6 years? It certainly isn't as positive and strong as it was 3 years ago.

It behooves us, for the sake of our independence, our sovereignty, our ability to be in control and the destiny of this magnificent laboratory up in space, that we could accelerate the time where this gap was going to exist. It is going to be there no matter what we do, but we can shorten it. I believe if we shorten it by a couple of years, that would be in our best interests.

When we look at the totality of our expenditures, when we look at the cost-

benefit ratio of what we get from our space program, how it inspires our young people at a time when we are falling behind in competition with the world in science and technology, when we know the world is moving faster than we are as it relates to the education of our young people and science and technology, what could be better than a vibrant space program to continue to imbue our young people with the desire to explore, the desire to invent, the desire for all the things that the space program has been to our country?

Our technological edge was never finer honed than when we had a vibrant and strong space program in the late 1950s and on into the 1960s. That was our finest and best time when it comes to science and technology.

We have, in many ways, been living off that for the last 25 years. Now we can have the dawning of a new age of space exploration into areas that have so far eluded us completely—well beyond the moon. This can all happen. This is a small downpayment into a very important part of America's future. It is certainly a very strong and important issue as we look also at very practical issues like our workforce.

The workforce at Kennedy Space Center is a well-trained workforce. It is a workforce that has, over the years, developed and over the years improved its skills. If we were to tell these people over the next 5 years there is no work for you, they will go into other pursuits. These are sharp, talented people. It is not like they are going to be unable to get a job, but it is going to be our loss when those people are not engaged in the continuation of the U.S. space flights.

NASA is a good investment for America. We are not talking about breaking the bank. We are talking about a very small investment for what I believe would be a great return. I am very pleased to join with my colleague from Florida, Senator NELSON, who is my expert when it comes to these issues. We both have great affection for the Cape. He grew up a very few miles south of it. I grew up a very few miles to the west of it. This is our backyard. We know it, we love it, and we know what it has meant to our country. We know the future of it can be very bright and we certainly do support this effort to improve funding for NASA.

I yield the floor.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, the proponents of this amendment have had a very thorough discussion of why we support this amendment. We have

spoken for about an hour. We certainly want to be sure that those who might have pause or flashing yellow lights about it bring their concerns to the floor so we can engage in a discussion, maybe even a debate, so we could move this debate forward and dispose of the amendment no later than 4:00 and earlier if possible.

I want to give everyone warning, if there is nobody here, we will move the amendment.

#### BAN ASBESTOS IN AMERICA ACT OF 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 321, S. 742, the Ban Asbestos in America Act of 2007; that the amendment at the desk be considered and agreed to, the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment be agreed to and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Ban Asbestos in America Act of 2007".*

#### SEC. 2. FINDINGS.

*Congress finds that—*

(1)(A) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance; and

(B) the International Agency for Research on Cancer has classified asbestos as a class 1 human carcinogen;

(2) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(3) the United States Geological Survey reported that, in 2006, the United States used 2,000 metric tons of asbestos, of which approximately—

(A) 55 percent was used in roofing products;

(B) 26 percent was used in coatings; and

(C) 19 percent was used in other products, such as friction products;

(4) the Department of Commerce estimates that the United States imports more than \$100,000,000 of brake parts per year;

(5) available evidence suggests that—

(A) imports of some types of asbestos-containing products are increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(6) there is no known safe level of exposure to asbestos;

(7) even low levels of exposure to asbestos may cause asbestos-related diseases, including mesothelioma;

(8) millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

(9) worker deaths from noncancerous lung disease can occur at levels of exposure to asbestos below the levels allowed by the Occupational Safety and Health Administration as of the date of enactment of this Act;

(10) families of workers are put at risk because of asbestos brought home by the workers on the shoes, clothes, skin, and hair of the workers;

(11) approximately 1/5 of mesothelioma victims were exposed to asbestos while serving the United States on Navy ships or shipyards;

(12) the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

(13) the Environmental Working Group estimates that as many as 10,000 citizens of the United States die each year from mesothelioma and other asbestos-related diseases;

(14)(A) mesothelioma responds poorly to conventional chemotherapy; and

(B) although new combination treatments for mesothelioma have demonstrated some benefits—

(i) the median survival period for mesothelioma is only 1 year after diagnosis of the disease; and

(ii) the majority of mesothelioma patients die within 2 years of diagnosis of the disease;

(15) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances;

(16) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(17) in 1989, the Administrator of the Environmental Protection Agency promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(18) in 1991, the United States Court of Appeals for the 5th Circuit overturned portions of the regulations, and the Federal Government did not appeal the decision to the Supreme Court;

(19) as a result, while new applications for asbestos were banned, asbestos is still being imported and used, and is otherwise present as a contaminant, in some consumer and industrial products in the United States;

(20) the National Cancer Institute recognizes a clear need for new agents to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

(21) the National Institutes of Health should continue to improve detection, treatment, and management of asbestos-related diseases, such as mesothelioma, including by providing continued support for the pleural mesothelioma treatment and research program and peritoneal surgical initiatives;

(22) the Department of Defense should study diseases related to asbestos exposure in the military and veteran population, including by conducting research in coordination with the National Institutes of Health on the early detection and treatment of mesothelioma;

(23) with some exceptions relating to certain uses, asbestos has been banned in 40 countries, including Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, the Netherlands, Norway, Poland, Portugal, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom;

(24) asbestos was banned throughout the European Union in 2005; and

(25) banning asbestos from being used in or imported into the United States will provide certainty to manufacturers, builders, environmental remediation firms, workers, and consumers that after a specific date, asbestos will not be used, added, or allowed to be knowingly present as a contaminant in new construction and manufacturing materials used in this country.

### SEC. 3. ASBESTOS-CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

#### “Subtitle A—General Provisions”;

(2) in section 202(3) (15 U.S.C. 2642(3))—

(A) in each of subparagraphs (A) through (D), by striking the commas at the end of the subparagraphs and inserting semicolons;

(B) in subparagraph (E), by striking “, or” and inserting a semicolon;

(C) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(G) any material formerly classified as tremolite, including—

“(i) winchite asbestos; and

“(ii) richterite asbestos; and

“(H) any asbestiform amphibole mineral.”;

and

(3) by adding at the end the following:

#### “Subtitle B—Asbestos-Containing Products

### “SEC. 221. DEFINITIONS.

“In this subtitle:

“(1) APPROPRIATE FEDERAL ENTITY.—The term ‘appropriate Federal entity’ means any appropriate Federal entity, as determined by the Director, including—

“(A) the Agency for Toxic Substances and Disease Registry;

“(B) the Department of Health and Human Services;

“(C) the Environmental Protection Agency;

“(D) the Mine Safety and Health Administration;

“(E) the National Institute of Standards and Technology;

“(F) the United States Geological Survey;

“(G) the National Institute of Environmental Health Sciences;

“(H) the National Institute for Occupational Safety and Health; and

“(I) the Occupational Health and Safety Administration.

“(2) ASBESTOS-CONTAINING PRODUCT.—The term ‘asbestos-containing product’ means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately used or knowingly present in any concentration.

“(3) ELONGATED MINERAL PARTICLE.—The term ‘elongated mineral particle’ means a single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

“(4) BIOPERSISTENT ELONGATED MINERAL PARTICLE.—The term ‘biopersistent elongated mineral particle’ means an elongated mineral particle that—

“(A) occurs naturally in the environment; and

“(B) is similar to asbestos in—

“(i) resistance to dissolution;

“(ii) leaching; and

“(iii) other physical, chemical, or biological processes expected from contact with lung cells and other cells and fluids in the human body.

“(5) DIRECTOR.—The term ‘Director’ means the Director of the National Institute for Occupational Safety and Health.

“(6) PERSON.—The term ‘person’ means—

“(A) any individual;

“(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or nonprofit business entity (including any manufacturer, importer, distributor, or processor);

“(C) any Federal, State, or local department, agency, or instrumentality; and

“(D) any interstate body.

### “SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH STUDIES.

“(a) STUDIES.—

“(1) CURRENT STATE OF SCIENCE STUDY.—

“(A) IN GENERAL.—The Director, in consultation with the United States Geological Survey, the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study and, not later than 1 year after the date of enactment of this subtitle, submit to the Administrator, the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, the Committees on Energy and Commerce and Education and Labor of the House of Representatives, and other Federal agencies a report containing—

“(i) a description of the current state of the science relating to—

“(I) the disease mechanisms and health effects of exposure to non-asbestiform minerals and elongated mineral particles; and

“(II) methods for measuring and analyzing non-asbestiform minerals and elongated mineral particles; and

“(ii) recommendations for—

“(I) future research relating to diseases caused by exposure to—

“(aa) non-asbestiform minerals; and

“(bb) elongated mineral particles;

“(II) exposure assessment practice needs;

“(III) any new classification of naturally occurring elongated mineral particles; and

“(IV) 1 or more definitions and dimensions to be used for the quantification and risk assessment of—

“(aa) non-asbestiform minerals; and

“(bb) elongated mineral particles.

“(B) COMPONENTS.—The report described in subparagraph (A) shall include—

“(i) peer-reviewed published literature;

“(ii) regulatory decisions; and

“(iii) information obtained from the National Institute for Occupational Safety and Health Research Roadmap.

“(2) MODE OF ACTION AND HEALTH EFFECTS STUDY.—

“(A) IN GENERAL.—The Director, in consultation with the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study—

“(i) to evaluate the known or potential mode of action and health effects of—

“(I) non-asbestiform minerals; and

“(II) elongated mineral particles; and

“(ii) to develop recommendations for a means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

“(I) may cause any disease or health effect; or

“(II) does not cause any disease or health effect.

“(B) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Director shall submit to the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, and the Committees on Energy and Commerce and Education and Labor of the House of Representatives, a report containing—

“(i) a description of the manner by which non-asbestiform minerals and elongated mineral particles possess the ability to remain biopersistent in the human body, with regard to the ability of non-asbestiform minerals and elongated mineral particles—

“(I) to exhibit resistance to dissolution and leaching; and

“(II) to induce other physical, chemical, and biological processes as a result of contact with—

“(aa) lung cells; and

“(bb) other cells and fluids in the human body connected to a disease;

“(ii) a description of the means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

“(I) may cause any disease or health effect, as determined by the Director, including—

“(aa) mesothelioma;

“(bb) any other form of cancer; and

“(cc) any other non-cancer form of disease; and

“(II) does not cause any disease or health effect; and

“(iii) recommendations for such controls as the Director determines to be appropriate to protect human health.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

“(b) METHODOLOGY STUDY.—

“(1) IN GENERAL.—On the date on which the Director submits the report described in subsection (a)(2)(B), the Director shall initiate a study—

“(A) to develop improved sampling and analytical methods for non-asbestiform minerals and elongated mineral particles; and

“(B) to clarify the mechanism of action.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

#### “SEC. 223. PUBLIC EDUCATION PROGRAM.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Administrator, in consultation with the Chairman of the Consumer Product Safety Commission, the Director of the Centers for Disease Control and Prevention, and the Secretary of Labor, shall establish a plan—

“(1) to increase awareness of the dangers posed by—

“(A) products having asbestos-containing materials in homes and workplaces; and

“(B) asbestos-related diseases;

“(2) to provide current and comprehensive information to asbestos-related disease patients, family members of patients, and front-line health care providers on—

“(A) the dangers of asbestos exposure;

“(B) asbestos-related labeling information;

“(C) health effects of exposure to asbestos;

“(D) symptoms of asbestos exposure; and

“(E) available and developing treatments for asbestos-related diseases, including clinical trials;

“(3) to encourage asbestos-related disease patients, family members of patients, and front-line health care providers to participate in research and treatment endeavors relating to asbestos; and

“(4) to encourage health care providers and researchers to provide to asbestos-related disease patients and family members of patients information relating to research, diagnostic, and clinical treatments relating to asbestos.

“(b) GREATEST RISKS.—In establishing the program, the Administrator shall give priority to products that have asbestos-containing materials and are used by consumers and workers that pose the greatest risk of injury to human health.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### “Subtitle C—Prohibition on Asbestos-Containing Materials

#### “SEC. 231. DEFINITION OF DISTRIBUTE IN COMMERCE.

“In this subtitle:

“(1) IN GENERAL.—The term ‘distribute in commerce’ has the meaning given the term in section 3.

“(2) EXCLUSIONS.—The term ‘distribute in commerce’ does not include—

“(A) the possession of an asbestos-containing material by a person that is an end user; or

“(B) the possession of an asbestos-containing material by a person solely for the purpose of disposal of the asbestos-containing material in compliance with applicable Federal, State, and local requirements.

#### “SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATERIALS.

“(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

“(1) not later than 1 year after the date of enactment of this subtitle, proposed regulations that—

“(A) prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials; and

“(B) provide for implementation of subsections (b) and (c); and

“(2) not later than 2 years after the date of enactment of this subtitle, final regulations that, effective beginning 60 days after the date of promulgation, prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials.

“(b) EXEMPTIONS.—

“(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant, an exemption from the requirements of subsection (a) if the Administrator determines that—

“(A) the exemption would not result in an unreasonable risk of injury to health or the environment; and

“(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral, that—

“(i) does not present an unreasonable risk of injury to health or the environment; and

“(ii) may be substituted for an asbestos-containing material.

“(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed a total of 3 years) and subject to such terms and conditions as the Administrator may prescribe.

“(3) GOVERNMENTAL USE.—

“(A) IN GENERAL.—The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if the exemption for asbestos-containing material is—

“(i) sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to the Administrator and Congress, that—

“(I) use of the asbestos containing material is necessary to the critical functions of the Department; and

“(II) no reasonable alternatives to the asbestos containing material exist for the intended purpose; and

“(III) use of the asbestos containing material will not result in an unreasonable risk to health or the environment; or

“(ii) sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—

“(I) the asbestos-containing material is necessary to the critical functions of the National Aeronautics and Space Administration; and

“(II) no reasonable alternatives to the asbestos-containing material exist for the intended purpose; and

“(III) the use of the asbestos-containing material will not result in an unreasonable risk to health or the environment.

“(B) ADMINISTRATIVE PROCEDURE ACT.—Any exemption provided by the Administrator under subparagraph (A), and any certification made by the Secretary of Defense under subparagraph (A)(i) shall not be subject to the provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(4) DIAPHRAGMS FOR EXISTING ELECTROLYSIS INSTALLATIONS.—

“(A) IN GENERAL.—The requirements of subsection (a) shall not apply to any diaphragm electrolysis installation in existence as of the date of enactment of this subtitle.

“(B) REVIEW.—

“(i) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, and every 6 years thereafter, the Administrator shall review the exemption provided under subparagraph (A) to determine the appropriateness of the exemption.

“(ii) SCOPE.—In conducting the review of the exemption provided under subparagraph (A),

the Administrator shall examine the risk of injury to an individual relating to the operation by the individual of each diaphragm electrolysis installation described in subparagraph (A).

“(iii) PUBLIC PARTICIPATION.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall provide public notice and a 30-day period of public comment.

“(C) DECISION RELATING TO EXTENSION OF EXEMPTION.—Upon completion of a review of a diaphragm electrolysis installation under subparagraph (B)(i), if the Administrator determines that the diaphragm electrolysis installation poses an unreasonable risk of injury to health or the environment, the Administrator may terminate the exemption provided to the diaphragm electrolysis installation under subparagraph (A).

“(c) DISPOSAL.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the date of enactment of this subtitle, each person that possesses asbestos-containing material that is subject to the prohibition established under this section shall dispose of the asbestos-containing material, by a means that is in compliance with applicable Federal, State, and local requirements.

“(2) EXEMPTION.—Nothing in paragraph (1)—

“(A) applies to asbestos-containing material that—

“(i) is no longer in the stream of commerce; or

“(ii) is in the possession of an end user; or

“(B) requires that asbestos-containing material described in subparagraph (A) be removed or replaced.

“(d) COMPLIANCE TESTING.—

“(1) IN GENERAL.—Subject to paragraph (2), and in accordance with paragraph (3), not later than 1 year after the date on which the Administrator promulgates the regulations under subsection (a), and annually thereafter, to ensure compliance with those regulations, the Administrator shall carry out tests on an appropriate quantity of products, as determined by the Administrator, to determine if the products have asbestos-containing material.

“(2) EXEMPTED PRODUCTS.—In carrying out the compliance testing under paragraph (1), the Administrator shall not carry out any test on any product that contains any material that is the subject of an exemption described in subsection (b).

“(3) APPROPRIATE TEST METHODOLOGIES.—In carrying out the compliance testing under paragraph (1), the Administrator shall use the appropriate test methodology for each product that is the subject of the compliance testing.

“(4) ANNUAL REPORT.—

“(A) IN GENERAL.—Upon completion of each annual testing period described in paragraph (1), the Administrator shall prepare a report for the annual testing period covered by the report, describing those products that have asbestos-containing material.

“(B) PUBLIC AVAILABILITY.—Not later than 90 days after the date of completion of each annual testing period described in paragraph (1), the Administrator shall make the report for the annual testing period covered by the report available to the public.”.

(b) CONFORMING AMENDMENT.—The table of contents in sections 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

“Subtitle A—General Provisions”;

and

(2) by adding at the end of the items relating to title II the following:

“Subtitle B—Asbestos-Containing Products

“Sec. 221. Definitions.

“Sec. 222. National Institute for Occupational Safety and Health report and study.

“Sec. 223. Public education program.

“Subtitle C—Prohibition on Asbestos-Containing Materials

“Sec. 231. Prohibition on asbestos-containing materials.”.

#### SEC. 4. ASBESTOS-RELATED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

#### “SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.

“(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

“(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

“(1) the Administrator of the Agency for Toxic Substances and Disease Registry;

“(2) the Director of the National Institute for Occupational Safety and Health; and

“(3) the head of any other agency, as the Secretary determines to be appropriate.

“(c) ASBESTOS-RELATED DISEASE REGISTRY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a mechanism by which to obtain, coordinate, and provide data and specimens from—

“(A) State cancer registries and other cancer registries;

“(B) the National Mesothelioma Virtual Registry and Tissue Bank; and

“(C) each entity participating in the asbestos-related disease research and treatment network established under section 417F(a).

“(2) TREATMENT.—The data and specimens described in paragraph (1) shall form the basis for establishing a national clearinghouse for data and specimens relating to asbestos-related diseases, with a particular emphasis on mesothelioma.

“(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.

#### “SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT NETWORK.

“(a) ESTABLISHMENT.—For each of fiscal years 2008 through 2012, the Director of NIH, in collaboration with other applicable Federal, State, and local agencies and departments, shall establish and maintain an asbestos-related disease research and treatment network (referred to in this section as the ‘Network’) to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

“(b) INCLUSIONS.—The Network shall include—

“(1) intramural research initiatives of the National Institutes of Health; and

“(2) at least 10 extramural asbestos-related disease research and treatment centers, as selected by the Director of NIH in accordance with subsection (c).

“(c) EXTRAMURAL ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT CENTERS.—

“(1) IN GENERAL.—For each fiscal year during which the Network is operated and maintained under subsection (a), the Director of NIH shall select for inclusion in the Network not less than 10 nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States that, as determined by the Director of NIH—

“(A) have exemplary experience and qualifications in research and treatment of asbestos-related diseases;

“(B) have access to an appropriate population of patients with asbestos-related diseases; and

“(C) are geographically distributed throughout the United States, with special consideration given to areas of high incidence of asbestos-related diseases.

“(2) REQUIREMENTS.—Each center selected under paragraph (1) shall—

“(A) be chosen by the Director of NIH after competitive peer review;

“(B) conduct laboratory and clinical research, including clinical trials, relating to—

“(i) mechanisms for effective therapeutic treatment of asbestos-related diseases;

“(ii) early detection and prevention of asbestos-related diseases;

“(iii) palliation of asbestos-related disease symptoms; and

“(iv) pain management with respect to asbestos-related diseases;

“(C) offer to asbestos-related disease patients travel and lodging assistance as necessary—

“(i) to accommodate the maximum number of patients practicable; and

“(ii) to serve a number of patients at the center sufficient to conduct a meaningful clinical trial;

“(D) seek to collaborate with at least 1 medical center of the Department of Veterans Affairs to provide research benefits and care to veterans who have suffered excessively from asbestos-related diseases, particularly mesothelioma; and

“(E) coordinate the research and treatment efforts of the center (including specimen sharing and use of common informatics) with other entities included in—

“(i) the Network; and

“(ii) the National Virtual Mesothelioma Registry and Tissue Bank.

“(3) PERIOD OF INCLUSION.—A center selected by the Director of NIH under this subsection shall be included in the Network for—

“(A) the 1-year period beginning on the date of selection of the center; or

“(B) such longer period as the Director of NIH determines to be appropriate.

“(d) GRANTS.—The Director of NIH shall provide to each center selected for inclusion in the Network under subsection (c) for the fiscal year a grant in an amount equal to \$1,000,000 to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2012.

#### “SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.

“(a) IN GENERAL.—The Secretary, acting through the United States Army Medical Research and Materiel Command, shall support research on mesothelioma and other asbestos-related diseases that has clear scientific value and direct relevance to the health of members and veterans of the Armed Forces, in accordance with the appropriate congressionally directed medical research program, with the goal of advancing the understanding, early detection, and treatment of asbestos-related mesothelioma and other asbestos-related diseases.

“(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

“(1) the Director of NIH;

“(2) the Director of the National Institute of Occupational Safety and Health; and

“(3) the head of any other agency, as the Secretary determines to be appropriate.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.”.

The amendment (No. 3257) was agreed to, as follows:

On page 24, strike lines 10 through 22.

On page 24, line 23, strike “(10)” and insert “(6)”.

On page 25, strike lines 1 through 3.

On page 25, line 4, strike “(12)” and insert “(7)”.

On page 25, line 7, strike “(13)” and insert “(8)”.

On page 25, line 11, strike “(14)(A)” and insert “(9)(A)”.

On page 25, line 20, strike “(15)” and insert “(10)”.

On page 25, line 23, strike “(16)” and insert “(11)”.

On page 26, line 1, strike “(17)” and insert “(12)”.

On page 26, line 6, strike “(18)” and insert “(13)”.

On page 26, line 10, strike “(19)” and insert “(14)”.

On page 26, line 15, strike “(20)” and insert “(15)”.

On page 26, line 19, strike “(21)” and insert “(16)”.

On page 27, line 1, strike “(22)” and insert “(17)”.

On page 27, line 6, strike “(23)” and insert “(18)”.

On page 27, line 15, strike “(24)” and insert “(19)”.

On page 27, line 17, strike “(25)” and insert “(20)”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The amendment (No. 3258) was agreed to, as follows:

Amend the title so as to read: “To amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing materials and products having asbestos-containing material, and for other purposes.”.

The bill was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Ban Asbestos in America Act of 2007”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1)(A) the Administrator of the Environmental Protection Agency has classified asbestos as a category A human carcinogen, the highest cancer hazard classification for a substance; and

(B) the International Agency for Research on Cancer has classified asbestos as a class 1 human carcinogen;

(2) many people in the United States incorrectly believe that—

(A) asbestos has been banned in the United States; and

(B) there is no risk of exposure to asbestos through the use of new commercial products;

(3) the United States Geological Survey reported that, in 2006, the United States used 2,000 metric tons of asbestos, of which approximately—

(A) 55 percent was used in roofing products;

(B) 26 percent was used in coatings; and

(C) 19 percent was used in other products, such as friction products;

(4) the Department of Commerce estimates that the United States imports more than \$100,000,000 of brake parts per year;

(5) available evidence suggests that—

(A) imports of some types of asbestos-containing products are increasing; and

(B) some of those products are imported from foreign countries in which asbestos is poorly regulated;

(6) families of workers are put at risk because of asbestos brought home by the workers on the shoes, clothes, skin, and hair of the workers;

(7) the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

(8) the Environmental Working Group estimates that as many as 10,000 citizens of the United States die each year from mesothelioma and other asbestos-related diseases;

(9)(A) mesothelioma responds poorly to conventional chemotherapy; and

(B) although new combination treatments for mesothelioma have demonstrated some benefits—

(i) the median survival period for mesothelioma is only 1 year after diagnosis of the disease; and

(ii) the majority of mesothelioma patients die within 2 years of diagnosis of the disease;

(10) in hearings before Congress in the early 1970s, the example of asbestos was used to justify the need for comprehensive legislation on toxic substances;

(11) in 1976, Congress passed the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(12) in 1989, the Administrator of the Environmental Protection Agency promulgated final regulations under title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) to phase out asbestos in consumer products by 1997;

(13) in 1991, the United States Court of Appeals for the 5th Circuit overturned portions of the regulations, and the Federal Government did not appeal the decision to the Supreme Court;

(14) as a result, while new applications for asbestos were banned, asbestos is still being imported and used, and is otherwise present as a contaminant, in some consumer and industrial products in the United States;

(15) the National Cancer Institute recognizes a clear need for new agents to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

(16) the National Institutes of Health should continue to improve detection, treatment, and management of asbestos-related diseases, such as mesothelioma, including by providing continued support for the pleural mesothelioma treatment and research program and peritoneal surgical initiatives;

(17) the Department of Defense should study diseases related to asbestos exposure in the military and veteran population, including by conducting research in coordination with the National Institutes of Health on the early detection and treatment of mesothelioma;

(18) with some exceptions relating to certain uses, asbestos has been banned in 40 countries, including Argentina, Australia, Austria, Belgium, Chile, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, the Netherlands, Norway, Poland, Portugal, Saudi Arabia, the Slovak Republic, Spain, Sweden, Switzerland, and the United Kingdom;

(19) asbestos was banned throughout the European Union in 2005; and

(20) banning asbestos from being used in or imported into the United States will provide certainty to manufacturers, builders, environmental remediation firms, workers, and consumers that after a specific date, asbestos will not be used, added, or allowed to be knowingly present as a contaminant in new construction and manufacturing materials used in this country.

### SEC. 3. ASBESTOS-CONTAINING PRODUCTS.

(a) IN GENERAL.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

#### “Subtitle A—General Provisions”;

(2) in section 202(3) (15 U.S.C. 2642(3))—

(A) in each of subparagraphs (A) through (D), by striking the commas at the end of the subparagraphs and inserting semicolons;

(B) in subparagraph (E), by striking “, or” and inserting a semicolon;

(C) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(G) any material formerly classified as tremolite, including—

“(i) winchite asbestos; and

“(ii) richterite asbestos; and

“(H) any asbestiform amphibole mineral.”;

and

(3) by adding at the end the following:

#### “Subtitle B—Asbestos-Containing Products

#### “SEC. 221. DEFINITIONS.

“In this subtitle:

“(1) APPROPRIATE FEDERAL ENTITY.—The term ‘appropriate Federal entity’ means any appropriate Federal entity, as determined by the Director, including—

“(A) the Agency for Toxic Substances and Disease Registry;

“(B) the Department of Health and Human Services;

“(C) the Environmental Protection Agency;

“(D) the Mine Safety and Health Administration;

“(E) the National Institute of Standards and Technology;

“(F) the United States Geological Survey;

“(G) the National Institute of Environmental Health Sciences;

“(H) the National Institute for Occupational Safety and Health; and

“(I) the Occupational Health and Safety Administration.

“(2) ASBESTOS-CONTAINING PRODUCT.—The term ‘asbestos-containing product’ means any product (including any part) to which asbestos is deliberately or knowingly added or in which asbestos is deliberately used or knowingly present in any concentration.

“(3) ELONGATED MINERAL PARTICLE.—The term ‘elongated mineral particle’ means a single crystal or similarly elongated polycrystalline aggregate particle with a length to width ratio of 3 to 1 or greater.

“(4) BIOPERSISTENT ELONGATED MINERAL PARTICLE.—The term ‘biopersistent elongated mineral particle’ means an elongated mineral particle that—

“(A) occurs naturally in the environment; and

“(B) is similar to asbestos in—

“(i) resistance to dissolution;

“(ii) leaching; and

“(iii) other physical, chemical, or biological processes expected from contact with lung cells and other cells and fluids in the human body.

“(5) DIRECTOR.—The term ‘Director’ means the Director of the National Institute for Occupational Safety and Health.

“(6) PERSON.—The term ‘person’ means—

“(A) any individual;

“(B) any corporation, company, association, firm, partnership, joint venture, sole proprietorship, or other for-profit or non-profit business entity (including any manufacturer, importer, distributor, or processor);

“(C) any Federal, State, or local department, agency, or instrumentality; and

“(D) any interstate body.

#### “SEC. 222. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH STUDIES.

“(a) STUDIES.—

“(1) CURRENT STATE OF SCIENCE STUDY.—

“(A) IN GENERAL.—The Director, in consultation with the United States Geological Survey, the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a

study and, not later than 1 year after the date of enactment of this subtitle, submit to the Administrator, the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, the Committees on Energy and Commerce and Education and Labor of the House of Representatives, and other Federal agencies a report containing—

“(i) a description of the current state of the science relating to—

“(I) the disease mechanisms and health effects of exposure to non-asbestiform minerals and elongated mineral particles; and

“(II) methods for measuring and analyzing non-asbestiform minerals and elongated mineral particles; and

“(ii) recommendations for—

“(I) future research relating to diseases caused by exposure to—

“(aa) non-asbestiform minerals; and

“(bb) elongated mineral particles;

“(II) exposure assessment practice needs;

“(III) any new classification of naturally occurring elongated mineral particles; and

“(IV) 1 or more definitions and dimensions to be used for the quantification and risk assessment of—

“(aa) non-asbestiform minerals; and

“(bb) elongated mineral particles.

“(B) COMPONENTS.—The report described in subparagraph (A) shall include—

“(i) peer-reviewed published literature;

“(ii) regulatory decisions; and

“(iii) information obtained from the National Institute for Occupational Safety and Health Research Roadmap.

“(2) MODE OF ACTION AND HEALTH EFFECTS STUDY.—

“(A) IN GENERAL.—The Director, in consultation with the Environmental Protection Agency, the National Academy of Sciences, and appropriate Federal entities, shall conduct a study—

“(i) to evaluate the known or potential mode of action and health effects of—

“(I) non-asbestiform minerals; and

“(II) elongated mineral particles; and

“(ii) to develop recommendations for a means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

“(I) may cause any disease or health effect; or

“(II) does not cause any disease or health effect.

“(B) REPORT.—Not later than 18 months after the date of enactment of this subtitle, the Director shall submit to the Committees on Environment and Public Works and Health, Education, Labor, and Pensions of the Senate, and the Committees on Energy and Commerce and Education and Labor of the House of Representatives, a report containing—

“(i) a description of the manner by which non-asbestiform minerals and elongated mineral particles possess the ability to remain biopersistent in the human body, with regard to the ability of non-asbestiform minerals and elongated mineral particles—

“(I) to exhibit resistance to dissolution and leaching; and

“(II) to induce other physical, chemical, and biological processes as a result of contact with—

“(aa) lung cells; and

“(bb) other cells and fluids in the human body connected to a disease;

“(ii) a description of the means by which to identify, distinguish, and measure any non-asbestiform mineral or elongated mineral particle that—

“(I) may cause any disease or health effect, as determined by the Director, including—

“(aa) mesothelioma;

“(bb) any other form of cancer; and

“(cc) any other non-cancer form of disease; and

“(II) does not cause any disease or health effect; and

“(iii) recommendations for such controls as the Director determines to be appropriate to protect human health.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

“(b) METHODOLOGY STUDY.—

“(1) IN GENERAL.—On the date on which the Director submits the report described in subsection (a)(2)(B), the Director shall initiate a study—

“(A) to develop improved sampling and analytical methods for non-asbestiform minerals and elongated mineral particles; and

“(B) to clarify the mechanism of action.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

#### “SEC. 223. PUBLIC EDUCATION PROGRAM.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Administrator, in consultation with the Chairman of the Consumer Product Safety Commission, the Director of the Centers for Disease Control and Prevention, and the Secretary of Labor, shall establish a plan—

“(1) to increase awareness of the dangers posed by—

“(A) products having asbestos-containing materials in homes and workplaces; and

“(B) asbestos-related diseases;

“(2) to provide current and comprehensive information to asbestos-related disease patients, family members of patients, and front-line health care providers on—

“(A) the dangers of asbestos exposure;

“(B) asbestos-related labeling information;

“(C) health effects of exposure to asbestos;

“(D) symptoms of asbestos exposure; and

“(E) available and developing treatments for asbestos-related diseases, including clinical trials;

“(3) to encourage asbestos-related disease patients, family members of patients, and front-line health care providers to participate in research and treatment endeavors relating to asbestos; and

“(4) to encourage health care providers and researchers to provide to asbestos-related disease patients and family members of patients information relating to research, diagnostic, and clinical treatments relating to asbestos.

“(b) GREATEST RISKS.—In establishing the program, the Administrator shall give priority to products that have asbestos-containing materials and are used by consumers and workers that pose the greatest risk of injury to human health.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### “Subtitle C—Prohibition on Asbestos-Containing Materials

#### “SEC. 231. DEFINITION OF DISTRIBUTE IN COMMERCE.

“In this subtitle:

“(1) IN GENERAL.—The term ‘distribute in commerce’ has the meaning given the term in section 3.

“(2) EXCLUSIONS.—The term ‘distribute in commerce’ does not include—

“(A) the possession of an asbestos-containing material by a person that is an end user; or

“(B) the possession of an asbestos-containing material by a person solely for the purpose of disposal of the asbestos-containing material in compliance with applicable Federal, State, and local requirements.

#### “SEC. 232. PROHIBITION ON ASBESTOS-CONTAINING MATERIALS.

“(a) IN GENERAL.—Subject to subsection (b), the Administrator shall promulgate—

“(1) not later than 1 year after the date of enactment of this subtitle, proposed regulations that—

“(A) prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials; and

“(B) provide for implementation of subsections (b) and (c); and

“(2) not later than 2 years after the date of enactment of this subtitle, final regulations that, effective beginning 60 days after the date of promulgation, prohibit persons from importing, manufacturing, processing, or distributing in commerce asbestos-containing materials.

“(b) EXEMPTIONS.—

“(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant, an exemption from the requirements of subsection (a) if the Administrator determines that—

“(A) the exemption would not result in an unreasonable risk of injury to health or the environment; and

“(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral, that—

“(i) does not present an unreasonable risk of injury to health or the environment; and

“(ii) may be substituted for an asbestos-containing material.

“(2) TERMS AND CONDITIONS.—An exemption granted under this subsection shall be in effect for such period (not to exceed a total of 3 years) and subject to such terms and conditions as the Administrator may prescribe.

“(3) GOVERNMENTAL USE.—

“(A) IN GENERAL.—The Administrator shall provide an exemption from the requirements of subsection (a), without review or limit on duration, if the exemption for asbestos-containing material is—

“(i) sought by the Secretary of Defense and the Secretary certifies, and provides a copy of that certification to the Administrator and Congress, that—

“(I) use of the asbestos containing material is necessary to the critical functions of the Department;

“(II) no reasonable alternatives to the asbestos containing material exist for the intended purpose; and

“(III) use of the asbestos containing material will not result in an unreasonable risk to health or the environment; or

“(ii) sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—

“(I) the asbestos-containing material is necessary to the critical functions of the National Aeronautics and Space Administration;

“(II) no reasonable alternatives to the asbestos-containing material exist for the intended purpose; and

“(III) the use of the asbestos-containing material will not result in an unreasonable risk to health or the environment.

“(B) ADMINISTRATIVE PROCEDURE ACT.—Any exemption provided by the Administrator under subparagraph (A), and any certification made by the Secretary of Defense under subparagraph (A)(i) shall not be subject to the provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘Administrative Procedure Act’).

“(4) DIAPHRAGMS FOR EXISTING ELECTROLYSIS INSTALLATIONS.—

“(A) IN GENERAL.—The requirements of subsection (a) shall not apply to any diaphragm electrolysis installation in existence as of the date of enactment of this subtitle.

“(B) REVIEW.—

“(i) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, and every 6 years thereafter, the Administrator shall review the exemption provided under subparagraph (A) to determine the appropriateness of the exemption.

“(ii) SCOPE.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall examine the risk of injury to an individual relating to the operation by the individual of each diaphragm electrolysis installation described in subparagraph (A).

“(iii) PUBLIC PARTICIPATION.—In conducting the review of the exemption provided under subparagraph (A), the Administrator shall provide public notice and a 30-day period of public comment.

“(C) DECISION RELATING TO EXTENSION OF EXEMPTION.—Upon completion of a review of a diaphragm electrolysis installation under subparagraph (B)(i), if the Administrator determines that the diaphragm electrolysis installation poses an unreasonable risk of injury to health or the environment, the Administrator may terminate the exemption provided to the diaphragm electrolysis installation under subparagraph (A).

“(c) DISPOSAL.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the date of enactment of this subtitle, each person that possesses asbestos-containing material that is subject to the prohibition established under this section shall dispose of the asbestos-containing material, by a means that is in compliance with applicable Federal, State, and local requirements.

“(2) EXEMPTION.—Nothing in paragraph (1)—

“(A) applies to asbestos-containing material that—

“(i) is no longer in the stream of commerce; or

“(ii) is in the possession of an end user; or

“(B) requires that asbestos-containing material described in subparagraph (A) be removed or replaced.

“(d) COMPLIANCE TESTING.—

“(1) IN GENERAL.—Subject to paragraph (2), and in accordance with paragraph (3), not later than 1 year after the date on which the Administrator promulgates the regulations under subsection (a), and annually thereafter, to ensure compliance with those regulations, the Administrator shall carry out tests on an appropriate quantity of products, as determined by the Administrator, to determine if the products have asbestos-containing material.

“(2) EXEMPTED PRODUCTS.—In carrying out the compliance testing under paragraph (1), the Administrator shall not carry out any test on any product that contains any material that is the subject of an exemption described in subsection (b).

“(3) APPROPRIATE TEST METHODOLOGIES.—In carrying out the compliance testing under paragraph (1), the Administrator shall use the appropriate test methodology for each product that is the subject of the compliance testing.

“(4) ANNUAL REPORT.—

“(A) IN GENERAL.—Upon completion of each annual testing period described in paragraph (1), the Administrator shall prepare a report for the annual testing period covered by the report, describing those products that have asbestos-containing material.

“(B) PUBLIC AVAILABILITY.—Not later than 90 days after the date of completion of each annual testing period described in paragraph (1), the Administrator shall make the report



for the annual testing period covered by the report available to the public.”.

(b) CONFORMING AMENDMENT.—The table of contents in sections 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

“Subtitle A—General Provisions”;

and

(2) by adding at the end of the items relating to title II the following:

“Subtitle B—Asbestos-Containing Products

“Sec. 221. Definitions.

“Sec. 222. National Institute for Occupational Safety and Health report and study.

“Sec. 223. Public education program.

“Subtitle C—Prohibition on Asbestos-Containing Materials

“Sec. 231. Prohibition on asbestos-containing materials.”.

#### SEC. 4. ASBESTOS-RELATED DISEASES.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

##### “SEC. 417E. RESEARCH ON ASBESTOS-RELATED DISEASES.

“(a) IN GENERAL.—The Secretary, acting through the Director of NIH and the Director of the Centers for Disease Control and Prevention, shall expand, intensify, and coordinate programs for the conduct and support of research on diseases caused by exposure to asbestos, particularly mesothelioma, asbestosis, and pleural injuries.

“(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

“(1) the Administrator of the Agency for Toxic Substances and Disease Registry;

“(2) the Director of the National Institute for Occupational Safety and Health; and

“(3) the head of any other agency, as the Secretary determines to be appropriate.

“(c) ASBESTOS-RELATED DISEASE REGISTRY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Director of the Centers for Disease Control and Prevention, in cooperation with the Director of the National Institute for Occupational Safety and Health and the Administrator of the Agency for Toxic Substances and Disease Registry, shall establish a mechanism by which to obtain, coordinate, and provide data and specimens from—

“(A) State cancer registries and other cancer registries;

“(B) the National Mesothelioma Virtual Registry and Tissue Bank; and

“(C) each entity participating in the asbestos-related disease research and treatment network established under section 417F(a).

“(2) TREATMENT.—The data and specimens described in paragraph (1) shall form the basis for establishing a national clearinghouse for data and specimens relating to asbestos-related diseases, with a particular emphasis on mesothelioma.

“(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available for the purposes described in subsection (a) under other law, there are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.

##### “SEC. 417F. ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT NETWORK.

“(a) ESTABLISHMENT.—For each of fiscal years 2008 through 2012, the Director of NIH, in collaboration with other applicable Federal, State, and local agencies and departments, shall establish and maintain an asbestos-related disease research and treat-

ment network (referred to in this section as the ‘Network’) to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

“(b) INCLUSIONS.—The Network shall include—

“(1) intramural research initiatives of the National Institutes of Health; and

“(2) at least 10 extramural asbestos-related disease research and treatment centers, as selected by the Director of NIH in accordance with subsection (c).

“(c) EXTRAMURAL ASBESTOS-RELATED DISEASE RESEARCH AND TREATMENT CENTERS.—

“(1) IN GENERAL.—For each fiscal year during which the Network is operated and maintained under subsection (a), the Director of NIH shall select for inclusion in the Network not less than 10 nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States that, as determined by the Director of NIH—

“(A) have exemplary experience and qualifications in research and treatment of asbestos-related diseases;

“(B) have access to an appropriate population of patients with asbestos-related diseases; and

“(C) are geographically distributed throughout the United States, with special consideration given to areas of high incidence of asbestos-related diseases.

“(2) REQUIREMENTS.—Each center selected under paragraph (1) shall—

“(A) be chosen by the Director of NIH after competitive peer review;

“(B) conduct laboratory and clinical research, including clinical trials, relating to—

“(i) mechanisms for effective therapeutic treatment of asbestos-related diseases;

“(ii) early detection and prevention of asbestos-related diseases;

“(iii) palliation of asbestos-related disease symptoms; and

“(iv) pain management with respect to asbestos-related diseases;

“(C) offer to asbestos-related disease patients travel and lodging assistance as necessary—

“(i) to accommodate the maximum number of patients practicable; and

“(ii) to serve a number of patients at the center sufficient to conduct a meaningful clinical trial;

“(D) seek to collaborate with at least 1 medical center of the Department of Veterans Affairs to provide research benefits and care to veterans who have suffered excessively from asbestos-related diseases, particularly mesothelioma; and

“(E) coordinate the research and treatment efforts of the center (including specimen sharing and use of common informatics) with other entities included in—

“(i) the Network; and

“(ii) the National Virtual Mesothelioma Registry and Tissue Bank.

“(3) PERIOD OF INCLUSION.—A center selected by the Director of NIH under this subsection shall be included in the Network for—

“(A) the 1-year period beginning on the date of selection of the center; or

“(B) such longer period as the Director of NIH determines to be appropriate.

“(d) GRANTS.—The Director of NIH shall provide to each center selected for inclusion in the Network under subsection (c) for the fiscal year a grant in an amount equal to \$1,000,000 to support the detection, prevention, treatment, and cure of asbestos-related diseases, with particular emphasis on malignant mesothelioma.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2012.

##### “SEC. 417G. DEPARTMENT OF DEFENSE RESEARCH.

“(a) IN GENERAL.—The Secretary, acting through the United States Army Medical Research and Materiel Command, shall support research on mesothelioma and other asbestos-related diseases that has clear scientific value and direct relevance to the health of members and veterans of the Armed Forces, in accordance with the appropriate congressionally directed medical research program, with the goal of advancing the understanding, early detection, and treatment of asbestos-related mesothelioma and other asbestos-related diseases.

“(b) ADMINISTRATION.—The Secretary shall carry out this section in collaboration with—

“(1) the Director of NIH;

“(2) the Director of the National Institute of Occupational Safety and Health; and

“(3) the head of any other agency, as the Secretary determines to be appropriate.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.”.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all of my colleagues in the Senate for taking a moment this afternoon to pass a very important piece of legislation. What the Senate did was pass the Ban Asbestos in America Act of 2007. This is a piece of legislation I have been working on now for almost 7 years.

When I heard about Americans and people who were dying from asbestos, I thought to myself, my gosh, I thought asbestos was banned many years ago. How can this be?

Well, the fact is asbestos has never been banned. In fact, today 2,500 metric tons of asbestos are being imported every year. It is in products such as hair dryers, ceiling tiles, it is in brake pads, and over 3,000 other products Americans are using and being exposed to every day.

I began, with Senator Paul Wellstone, 6 years ago to try and pass this legislation. Of course, I lost my friend Senator Wellstone in an airplane crash. I thought to myself: Wow, how am I ever going to get this out of the Senate without his passion?

Well, I was very fortunate because I found another partner who was just as passionate, and he is here with us today, Senator ISAKSON from Georgia, who took up this banner with me, who has worked this bill through every way possible, because he too looked in the eyes of those families who were losing loved ones, members of their families today, because asbestos was exposing them to deadly diseases, and they were dying of mesothelioma.

I could not have done it without him. I thank him from the bottom of my heart for working this bill through every nook and cranny, every difficult challenge we have had, every difficult sentence.

For anybody out there who thinks legislation passes without anybody looking at it, we can tell you that every “T” has been crossed, every “I”

has been dotted, and this legislation, when it passes, is going to make a real difference in the lives of Americans.

I thank Senator BOXER, the chair of the EPW Committee, who, when she heard us working on this bill 7 or 8 months ago now, said: Senator MURRAY, Senator ISAKSON, this bill is in my jurisdiction. I am going to work with you to get it passed. She has worked every single day through all of the challenges we have had, to this moment now, and what a moment it is.

When I began this battle, I began it with two men I met who were dying of mesothelioma as a result of being exposed to asbestos: Fred Biekkola and Brian Harvey. I told them I would stand with them every step of the way until this bill was passed, sent to the President, and signed into law.

I lost both Brian and Fred, because they died of mesothelioma. But I have met many others along the way too. Today I stand here on the floor of the Senate and I tell everyone, when you believe in something, and you work hard, and you find good people to work with you, you can make a difference.

Because of the Freds and the Brians and the many other people I have met, and my great colleagues on the floor of the Senate, today we are making a difference. We are well on our way to banning the use of asbestos.

It goes now to the House. We are working to make sure the House gets this passed and to the President's desk. I can tell everyone in America, when that bill is signed, we will no longer be exposed to the importation and use of asbestos in this country. You can pick up your hair dryer, or know that the ceiling tiles you buy, or the brake pads that are in your car, or the mechanic who is exposed to it accidentally will no longer be exposed to it, and we will have made a major step forward in the health of all Americans.

I thank Senator ISAKSON, Senator BOXER, Senator INHOFE, all of the people who have worked with us. But as we all know, we are doing this because we want America to be a safer place. I thank everybody for this major step forward.

I yield to my colleague who has worked so hard with me on this.

Mr. ISAKSON. Mr. President, today this body will pass comprehensive, bipartisan legislation to permanently ban the production, manufacture, and distribution of asbestos, a deadly carcinogen that is still legally used in the United States.

It was my honor and pleasure to work with Senator MURRAY on this legislation. I have nothing but the highest regard for the Senior Senator from Washington State. The Senator and her staff have worked tirelessly on this issue for several years, and I am eager to continue to work with her to assure passage of this important legislation.

We also received invaluable cooperation and assistance from the Chair and Ranking Member of the Environment and Public Works Committee, Senators BOXER and INHOFE.

When inhaled, asbestos is known to cause diseases including mesothelioma, a cancer that occurs when malignant cells develop in the protective lining around the lungs. Despite this hazard, the substance is not banned.

The EPA initially proposed a ban of most asbestos-containing materials in the late 1970s. The rule was not finalized until 1989. Only 2 years later, however, the Fifth Circuit struck down the rule, finding that the EPA had "failed to muster substantial evidence" in support of the ban.

Today, the U.S. consumes about 2,000 tons of asbestos yearly, down from almost 800,000 tons consumed in the mid-1970s. Our bill will establish a permanent ban of asbestos that will be enforced by the Environmental Protection Agency.

The bill also mandates the most thorough Government study of asbestos to date. The study will ensure the best experts from the National Institute of Occupational Safety & Health, the National Academy of Sciences and the EPA examine all aspects of asbestos, including its natural properties, its geographic distribution across the United States, and its effects on the human body.

The bill also calls for a national mesothelioma registry and a public information campaign about the hazards of asbestos-containing materials.

For the few areas where asbestos is still used in the United States, this bill provides narrow exemptions or reasonable transitions to other alternatives.

This bill is the culmination of months of bipartisan work to find common ground on this issue. With a sweeping bill such as this one, many issues were difficult to resolve.

One difficult issue to resolve involved the treatment of nonasbestiform minerals. These so-called "cleavage fragments" are minerals that appear naturally and more abundantly than asbestos, are in land and dirt and are mined all across Georgia and in significant areas of the Nation. They are similar to asbestos in chemical makeup but differ significantly in structure and many other respects. The Federal Government has in the past through two decisions—one by OSHA, 1992 rule-making, and one by CPSC, 1988 decision—spoken to the lack of health risk from nonasbestiform minerals, and many published, peer-reviewed studies confirm those findings.

Our bill makes no presumption as to the health effects of nonasbestiform minerals but rather enlists the Nation's best scientists to study nonasbestiform minerals and elongated mineral particles, a term that includes, but is not limited to, asbestos and other biopersistent elongated mineral particles. It will be important in these studies to both differentiate these minerals according to the asbestos-related health risks, and distinguish between these minerals as they are identified in the natural, mixed dust environment.

Asbestos, the path of its deadly health effects, the identification and

differentiation of asbestos from other minerals especially in the natural, mixed dust environment, are all complex areas of science and it is time for the Federal Government to pool its expertise scattered among a half-dozen agencies, to better understand the risks and how to properly identify the fibers of risk.

Senator MURRAY is to be complimented for her skill in crafting a bill that provides what we intend to be a level playing field that will produce a better understanding of the why's and how's of life-threatening exposure to asbestos, how to accurately identify and measure it in the natural and mixed dust environments, and how to separate it from common everyday dirt and rocks critical to farming, homebuilding, construction and our everyday society.

Our bill provides for research by Government agencies including the world-renowned National Academy of Sciences, calling on their input into their input into the Federal studies, to assure peer review and consideration of the best science and studies available. It is essential that we bring the best science possible to bear on this most important issue.

Another difficult issue involved asbestos-based filters used in the production of chlorine. Our bill includes a reasonable compromise that protects the safety of the workers at these facilities and empowers the EPA to review the installations to ensure that the filters pose no unreasonable risk to workers.

Lastly, I want to commend the hard work of our staff on this issue. Specifically, Bill Kamela with Senator MURRAY, Mary Anne Dunlap with Senator INHOFE, Grant Cope with Senator BOXER, Ed Egee from my staff, and Colin Campbell with the Office of Legislative Counsel.

Banning asbestos is simply the right thing to do. This bill provides the framework for how this country must go about achieving this goal. I plan to work with my colleagues on both sides of the aisle to see it to the President's desk.

Mr. President, I thank the distinguished Senator from Washington, Mrs. MURRAY, for her kind remarks.

But I tell everyone in this Chamber and everyone who reads about this event, without her championing this issue over the last 7 years, it would not have happened. She has been a marvelous champion on behalf of those who have suffered from asbestos-related diseases, in particular mesothelioma.

I have watched her encounter countless hurdles on what is a very complex issue and a very complex piece of legislation. She has done a marvelous job. Her staff member Bill Kamela has been a tremendous help, as has my staff member Ed Egee. It would not have happened without the two of them.

As was mentioned by Senator MURRAY, Senator BOXER has been the real champion and given us the platform, the framework, and the latitude in the



committee to work this through this day.

When I entered the Congress in 1999, I had the privilege of meeting a gentleman by the name of Bruce Vento, a Congressman from the State of Minnesota. I only got to know Bruce for a short period of time, because a couple of years later his life was taken by mesothelioma. That was my first experience with it. His wife Sue has been an advocate, in countless appearances before the Congress, working toward a ban on asbestos. Today in Washington, Renee Hansen from my State of Georgia, Watkinsville, who suffers from mesothelioma, is here today by chance advocating on behalf of those who suffer from that dreaded disease, and seeking the Congress of the United States to take the action this Senate has just taken.

This country started 37 years ago by banning asbestos. But through court cases, through regulatory rulings, the ban never took place. Although the use of it has been restricted, as was stated by Senator MURRAY, it is used in countless products. This bill puts an end to asbestos. In those narrow exceptions of national defense, the space program, and a chlorine filter in a contained filter system, those are grandfathered, but with a system where they go out of business as replacements that can substitute for them come in.

Instead of taking legislative descriptions, we took scientific evidence and declared scientific studies in the future to make the determinations to see to it that Americans are no longer exposed to life-threatening fibers known as asbestos.

It has been a privilege for me to work on many things in my legislative career, both back in Georgia and in the Congress, but I do not know that I have ever had a more rewarding experience than looking in the eyes of those whose families and lives who have been touched by mesothelioma, and tell them the Congress today is going to do something about banning asbestos and take the step that is long overdue.

I am very proud to have walked in that march with Senator MURRAY and with Senator BOXER. I thank Senator INHOFE and his staff for their cooperation, who in the end made all of this possible.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, before Senator BOXER speaks, I want to thank all of my staff who have been involved in this. I will insert their names in the RECORD. Bill, Crystal, Alex, in my press shop, Mike, Pete, previous staff members have put in countless hours on this. Without them we would never do this. I certainly know that working with Senator ISAKSON's staff and the staff from EPW and Senator BOXER's staff. It takes a lot of people to get something done. A tremendous amount of people have worked on this. I thank them. Because of their work, we are going to ban asbestos, we are going to

dramatically expand research and treatment, and we are going to launch a public education campaign so all Americans understand how they can protect themselves from the deadly asbestos products that may be in their home.

With that, I thank our chairwoman.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Maryland for allowing us these few minutes to mark a very, I think, emotional moment for all of us and a very important moment for the health and the safety of the people of our Nation.

The work of Senator MURRAY, that of Senator Wellstone in the past, and that of Senator ISAKSON, cannot be overstated. Because when the book is written on how a bill becomes a law, what you learn is that on something that has just a hint of controversy to it, you have to go through so many hurdles and so many late-night meetings and so many hours, and that is why the staffs deserve so much credit. In the Environment and Public Works Committee, Bettina Poirier, Grant Cope, and Erik Olson are very important, and from the HELP Committee, Bill.

Let me say, many countries have banned asbestos. As Senator MURRAY said, if you would ask a person in the street: Is asbestos banned? They would say, yes. But there was a court case many years ago which overturned that ban. So we have seen a tremendous amount of asbestos in the workplace, in consumer products, and the like. We still have more work to do. We have to get this through the House. We think there are friends in the House, remembering the wonderful Congressman Vento whom Senator ISAKSON mentioned, in his memory.

Certainly we feel very good that the beloved Congressman will get this honor after his death. We want to say, his wife has been an extraordinary person in pushing this through.

Today Senators MURRAY and ISAKSON got a standing ovation from the men and women who are suffering either from mesothelioma or their families who were there representing them or some whose families are here, although their loved one has perished. In this press conference I read a poem written by a beautiful woman, a Californian who lost her husband, and her agony as she watched her husband literally disappear before her eyes. I met a woman today whose son died at age 33 from mesothelioma. They can't figure out exactly where the exposure came from. I saw his picture when he was 31, a vibrant, beautiful young man, his emaciated face, still handsome a couple years later, and then he was gone. This bill is so important, that we join the nations of the world who have already banned asbestos and say, there are moments here you feel proud of, you feel kind of proud of, you feel not so proud of. Today I am so proud of my colleagues. The day I learned I had juris-

diction over this matter in committee was a joyful day for me, because I knew we could pull it off because we had JOHNNY ISAKSON on the Republican side who would take the lead. We worked across party lines. And to PATTY MURRAY, I would say: There is a snag, call JOHNNY. And they would talk.

So we are here this day. It is emotional. It is a wonderful moment. I congratulate Senators MURRAY and ISAKSON. I am so proud I was in the right place at the right time to help them.

The PRESIDING OFFICER (Mr. WEBB). The majority leader.

Mr. REID. When I went to law school, I can only remember one woman in my law school class. I went to George Washington. It was a large class. Women didn't go to law school much in those days. A few years later, I took the bar. It was a small group of men studying for the bar in Nevada. There may have been a couple women, but that was it. When I came to the Senate, MIKULSKI was the woman. She still is. Since that time, we have had the good fortune of having a significant number of women elected to the Senate. Fortunately, most of them are on this side of the aisle. The Senate is a much better place because of women being here. The legal profession is a better profession now because of women being in it. Because as much as we joke about it, men and women are different. They think differently. I can testify to that as a result of having served in the Senate with a meager number of women and now with a significant number. The Senate would only be better if there were more women.

I extend my appreciation to PATTY MURRAY, a woman of great stature, somebody who has persevered on an issue that when she started it, she was alone. She stood up during our battles we had here in recent years on asbestos liability, with her eyes pointed toward one thing this country should do, and that is not allow the importation of asbestos. That now has happened.

BARBARA BOXER, a kind, thoughtful person she is, with a heart as big as anybody's heart in the Senate. I knew from the very beginning this was something she wanted to do as chairman of the Environment and Public Works Committee. It has been done.

JOHNNY ISAKSON is a conservative Republican from the State of Georgia. But he is a person who is mindful of the need to work together and get things done. I so admire his ability to work across party lines. As tenacious and hard working as these two women I have mentioned are, it couldn't have been done without Senator ISAKSON. This is a very important day.

I can remember so clearly Bruce Vento. Two examples, then I won't take any more time of Chairman MIKULSKI. I was a brand new House member, walking across Independence Avenue. He said: You should have a national park in Nevada. Because of him,

we got a national park in Nevada. The Great Basin National Park is in Nevada. Bruce Vento pointed me in the right direction and that is what we did. The most significant legislation I have ever offered has been something in Nevada we call a negotiated settlement which involved two endangered species, two Indian tribes, 100-year water war between the States of California and Nevada. Wetlands had dried up from 100,000 acres to probably 1,000 putrid areas. It involved irrigation districts, the cities of Reno and Sparks.

Bruce Vento was on the floor in 1993, and by unanimous consent in the House worked his magic. It was late in the session, and it was the next to the last thing that passed that session. As happens over there late at night when they are trying to get things done, there was a lot of confusion going on, but he got it done.

This is a wonderful day for the American people. We will get this through the House and this will be signed by the President. I feel so happy that this is done for so many different reasons.

Mr. LEAHY. Mr. President, I commend Senator MURRAY for her efforts to end the use of asbestos in the United States. America should join the more than 40 other countries that have banned its use. This is an issue where the devastating health effects of asbestos far outweigh the economic benefits of its continued widespread use. It is surprising to me that there is any significant debate in light of what we know about the deadliness of this substance, and the tremendous suffering of so many Americans.

Nearly 10,000 people die each year from asbestos-related disease. Asbestos is among the most lethal substances ever to be widely used in the workplace. Between 1940 and 1980, more than 27.5 million workers were exposed to asbestos on the job, and nearly 19 million of them had high levels of exposure over long periods of time. We even know of family members who have suffered asbestos-related disease from washing the clothes of loved ones. The ravages of disease caused by asbestos have affected tens of thousands of American families. Given what we know about asbestos, we should not permit the immense suffering its use has caused to continue any longer.

Senator MURRAY's bill is a step in the right direction toward a more comprehensive solution to this problem. I am glad this bill contains provisions for increased research and education concerning asbestos. Preventing future exposure is a good thing, but we must do more to address the terrible suffering that continues in the United States and we owe it to those who have been affected to enact an effective system for their care and compensation.

Although I would have preferred to have retained the more extensive provisions contained in the comprehensive bipartisan bill then-Judiciary Committee Chairman SPECTER and I proposed in the 109th Congress, I believe

that if enacted, this legislation will save many lives in the future. We owe it to all Americans to do everything we can to end the use of asbestos and to confront the terrible legacy this deadly substance has left behind.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Before my three colleagues who have accomplished this significant feat leave the floor, I, too, wish to salute them. Dear colleagues, what an emotional day. First, our good friend Senator Wellstone embarked on that with you, Senator MURRAY, many years ago. Paul is no longer with us. His legacy lives on. There is a saying I learned in Catholic girls school: *exegi aani perrenius*. I will build a monument in lasting bronze. And when one thinks about a monument to Paul Wellstone, the kind of wise guy he was, he wouldn't be a marble guy or want some bronze statue. He would want this as a memorial that others might live. As a Senator from Maryland, my State is a manufacturing State. In my shipyards, there was so much asbestos. To this day, the shipyard workers of Baltimore and Fairfield, Bethlehem Steel, people who built the liberty ships, the ones who helped win the battle of the North Atlantic, the ones who every day would go to work with their lunch pail, now go to the senior citizen meetings carrying an oxygen tank, and not only have they suffered but their spouses suffer. Most of the guys in those days would come home and they would wash their clothes and take care of them. The women were exposed to this as well. It is not only secondhand smoke, but it was secondhand asbestos.

For me today to know that when we talked about better things through chemistry, the answer was yes, but what we did without realizing it was subject our American citizens to such unbelievable pain. So for the guys at the shipyards, we say to Murray, to Boxer, and to Isakson: Anchors aweigh, my boys and girls, anchors aweigh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues and our floor staff on both sides of the aisle who helped us. They know that Senator ISAKSON and I dogged them every single day, every single minute of the way until we got this done. Without their help we couldn't be here either. I will end by saying I have looked in the eyes of too many people who have lost a loved one to a product that contained asbestos because they went to work and didn't know they were being exposed. To all of those people who have stuck with us and worked with us and fought with us—some of them are here in the Senate with us today—we wouldn't be here without you and your passion. Because of that, we are changing the world to a better place.

I thank the Chair.

DEPARTMENTS OF COMMERCE AND JUSTICE AND SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008—Continued

Ms. MIKULSKI. Let me tell you where we are right now, because the pending amendment is the Mikulski-Hutchison-Shelby-Nelson, et al. amendment on expanding funding for NASA. We also understand the Senator from Oklahoma, Mr. COBURN, intends to come over rather shortly to offer his amendment. We have had a lot of talk, a little bit in morning business, but we are making great progress. We invite all who might either want to speak on our amendment or in opposition to the NASA amendment, please come to the floor now because we will be moving toward a vote. We are also waiting for the Senator from Oklahoma to come.

I know a lot of time has been used with morning business, but at the same time we are making a great deal of progress behind the scenes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent for a few minutes to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FREE TRADE

Mr. SANDERS. Let me congratulate Senator MURRAY, Senator BOXER, and Senator ISAKSON for their very important work on this asbestos issue.

What I wish to focus on is a front-page story that appeared in the Wall Street Journal. The headline reads: "Republicans Grow Skeptical on Free Trade." What it says is:

The new Wall Street Journal/NBC poll posed two statements to voters. The first was, "Foreign trade has been good for the U.S. economy because demand for U.S. products abroad has resulted in economic growth and jobs for Americans here at home and provided more choices for consumers."

The second statement was, "Foreign trade has been bad for the U.S. economy because imports from abroad have reduced demand for American-made goods, cost jobs here at home, and produced potentially unsafe products."

Asked which statement came closer to their own view, 59 percent of Republicans named the second statement, while 32 percent pointed to the first.

Back to the headline, "Republicans Grow Skeptical on Free Trade." That is the Republicans.

In terms of the Democrats, earlier in the article:

Other leading Democrats have been harshly critical of trade expansion, pleasing their party's labor union backers. In a March 2007 WSJ/NBC poll, before recent scandals involving tainted imports, 54 percent of Democratic voters said free-trade agreements have hurt the U.S., compared with 21 percent who said they have helped.

So what do we have? We have the overwhelming percentage of Republicans who are now telling us that unfettered free trade is not working for American workers.